24702/03. That action was dismissed by Judge Kitzes in an order dated May 6, 2004. In his order Judge Kitzes ruled that petitioner, as plaintiff, made the same allegations in his complaint already litigated and decided by the court in its October 24, 2003 order and petitioner was thus precluded from presenting these claims again.

Petitioner also made two subsequent motions in the foreclosure action, post foreclosure sale and delivery of the referee's deed, seeking to stay the foreclosure judgment and stay the ten day notice to deliver possession and rescinding the foreclosure sale of the subject property. These motions were denied by Judge Kitzes in two separate orders, both dated February 3, 2004. Finally, the New York State Supreme Court, Queens County, by order signed by Judge Kitzes on March 31, 2004, granted the purchaser in the foreclosure action possession of the subject property and ordered the Sheriff of Queens County to put the purchaser into possession of the subject property ("order of possession)[5].

Separately, petitioner filed an action in the United States District Court, Southern District of New York, on May 7, 2004, against The Trust, Delta, the purchaser and others, entitled *Chaggrit Sawangkao, M.D. v. Kingsland Funding Corp, et al.*, 04 CIV 3524 (DC). The complaint in this action contained the same allegations contained in the affirmative suit brought by petitioner in the New York State Supreme Court. The action in the Southern District was dismissed with prejudice by order of Judge Denny Chin, U.S.D.J., dated July 16, 2004.

Petitioner filed an appeal from, and at the same time moved for leave to appeal, in the Supreme Court of the State of New York, Appellate Division: Second Judicial

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5. Petitioner includes the Order as Appendix D to his instant Petition.

Department, the judgment of foreclosure and sale and the order of possession of the Supreme Court, Queens County, dated March 31, 2004, and in effect sought summary judgment reversal of the judgment and order of possession from the appellate court. The Appellate Division: Second Department denied petitioner's motion and dismissed his appeals. Petitioner thereafter sought by motion to the New York Court of Appeals leave to appeal said decision. The New York Court of Appeals dismissed petitioner's motion.

REASONS FOR DENYING THE PETITION

It appears that petitioner is now proffering the same purported arguments already rejected by Judge Kitzes in his October 24, 2003 order. Petitioner appears to claim that Delta took over a mortgage from Kingsland Funding Corporation ("Kingsland")[6] on or about August 18, 1998. This claim has been proven to be untrue. It has been established before the trial court that Delta originated a new mortgage on August 18, 1998, and, in fact, the Kingsland mortgage was paid off on the same date. In Judge Kitzes' order dated October 24, 2003, the trial court found that petitioner's claims regarding the Kingsland mortgage are irrelevant to The Trust's mortgage (the mortgage originated by Delta), since there has been no proof of a relationship between the two lenders. In any event, the trial court found that The Trust has shown that the Kingsland mortgage was paid off from the proceeds of the Delta mortgage. The trial court further found that there is evidence that petitioner was aware of this payment. Finally, the forbearance agreement signed by petitioner, post judgment, states that he has waived any and all rights to contest the foreclosure proceeding and that he had no defenses or offsets to the note, mortgage and/or foreclosure action. Petitioner appears to claim yet again that the judgment

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6. Petitioner names Kingsland as a respondent herein even though it was not a party to the foreclosure action.

of foreclosure and sale entered on December 23, 1999, was "wrong" and "unlawful". However, the trial court in its October 24, 2003 order found that petitioner agreed in the forbearance agreement to waive any defenses or contest the validity of the foreclosure. Moreover, separate and apart from the forbearance agreement, the trial court did not find any support for such a claim. Based on the above, the purported issues proffered by petitioner in his Petition have been litigated by him unsuccessfully on previous occasions; his claims were found to be without merit. The New York Court of Appeals correctly dismissed petitioner's motion for leave to appeal.

I. Petitioner has not raised any compelling issue of law that would warrant the time or attention of this Court.

Petitioner, in his Petition for a writ of certiorari, has not raised a single question relating to an issue of law, nor presented a basis for appeal of any of the rulings that petitioner is asking this Court to review. Thus, petitioner completely fails to show any of the compelling reasons this Court would consider on review of certiorari under Rule 10 of the Court. Petitioner's "Questions Presented" offers no legal basis for the granting of the Petition; instead he simply lists the previous judgment, decisions and order entered against him, apparently requesting wholesale review from this Court. Thus, petitioner completely runs afoul of Rule 14.1(a) of the Supreme Court of the United States which requires that the questions presented for review be expressed concisely in relation to the circumstances of the case, without unnecessary detail. Here, petitioner completely fails to present even a single question presented for review. Thus, essentially there is no question presented for review to be considered by the Court.

II. Petitioner fails to provide valid jurisdictional grounds

For his statement of the basis for jurisdiction in this Court, under the Court's Rule 14.1.(e)(iv), petitioner appears to rely on the following: "28 U.S.C. § 1257(a)" (Petition, page 2). However, this statutory provision only applies, on its face, to a decision where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

Here, the Petition which apparently seeks to set aside the judgment of foreclosure and sale and foreclosure sale which emanate from the underlying foreclosure action brought in a New York State court under New York State statutes (New York Real Property Actions And Proceedings Law "RPAPL" and New York Civil Practice Law and Rules "CPLR"), does not demonstrate in any way how the decision denying petitioner leave to appeal rendered by New York's highest court, the New York Court of Appeals, draws in question the validity of the underlying statutes, the RPAPL and the CPLR, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States. Thus, petitioner completely fails to show a basis for any statutory authority conferring on this Court jurisdiction to review on a writ of certiorari the judgment or order in question.

For his statement of the basis for jurisdiction in this Court, under the Court's Rule 14.1(f), petitioner appears to rely on the following: The 14th Amendment to the United States Constitution. Petitioner states that the Constitutional provision involved is: ". . . Amendment 14 Citizen's Rights:

no state can take away or restrict any right to property, privilege or protection of citizens of the United States." (Petition, page 3). However, the underlying foreclosure action is a private action by The Trust against petitioner; it is not a taking of property by the state or any governmental entity. Thus, petitioner completely fails to show a basis for any authority, constitutional, statutory or otherwise, conferring on this Court jurisdiction to review on a writ of certiorari the judgment or order in question.

It is axiomatic that appellate jurisdiction in the federal system is purely statutory. *Heike v United States*, 217 U.S. 423, 54 L. Ed. 821, 30 S. Ct. 539 (1910).

Petitioner's "appeal" was dismissed because there is no appeal from a default judgment under applicable New York law and the "remaining portion of the Appellate Division order does not finally determine the action within the meaning of the Constitution". New York Court of Appeals decision, No. 206, dated April 5, 2005.

As there was no final determination of any federal question, this Court lacks any jurisdictional basis to grant petitioner certiorari. 28 U.S.C. § 1257; *North Dakota State Bd. of Pharmacy v. Snyder's Drug Stores, Inc.*, 414 U.S. 156, 38 L. Ed. 2d 379, 94 S. Ct. 407 (1973).

In essence, jurisdiction of this Court to review the judgment of the highest court of a state turns not only upon whether there was a final determination (*Id.*), but upon whether a federal right was specially set up or claimed in that court and denied by its decision, and to be effective for this purpose, assertion of federal right must at least have a fair color of support and not be frivolous or wholly without foundation. Where as herein, petitioner has falsely attempted to concoct a federal issue it can afford no basis for exercise

by the Supreme Court of its appellate jurisdiction over the decision of the New York state court. *See Parker v McLain*, 237 U.S. 469, 59 L. Ed. 1051, 35 S. Ct. 632 (1915); *Erie R. Co. v. Solomon*, 237 U.S. 427, 59 L. Ed. 1033, 35 S. Ct. 648 (1915).

Petitioner's citation to 28 U.S.C. § 1257 and the 14th Amendment to the U.S. Constitution is wholly frivolous and there is simply no basis for certiorari review of the New York Court of Appeals decision, dismissing petitioner's appeal.

Clearly, herein, there was no final decision let alone any federal basis upon which petitioner's request for certiorari can be granted.

Instead, having attempted but failed in his non-federal, state litigation challenge to The Trust's foreclosure action, the petitioner has now turned to certiorari via the 14th Amendment in a desperate, last chance attempt to obtain relief from the state court foreclosure judgment. (Petition, *passim*).

The Court should not permit petitioner's wholly frivolous, ill advised request for certiorari, as the 14th Amendment cannot be availed of as a means of bringing to the United States Supreme Court the abstract opinions of unsuccessful litigants, such as petitioner, in state court. *Davidson v. New Orleans*, 96 U.S. 97, 6 Otto 97, 24 L. Ed. 616 (1878).

The petitioner had multiple state court opportunities to litigate his "rights". He cannot have an adverse judgment reviewed in the Supreme Court on the ground that "due process" of law was denied because the litigation was not resolved in his favor. *See Remington Paper Co. v. Watson*, 173 U.S. 443, 43 L. Ed. 762, 19 S. Ct. 456 (1899).

Clearly, the New York Court of Appeal's determination as to the proper construction of New York law, namely N.Y. CPLR § 5511, did not involve any federal question and was and is conclusive. *Osborne v. Florida*, 164 U.S. 650, 41 L. Ed. 586, 17 S. Ct. 214 (1897). If more was needed, there was no final determination "within the meaning of the constitution". New York Court of Appeals decision, No. 206, dated April 5, 2005; 28 U.S.C. § 1257; *North Dakota State Bd. of Pharmacy v Snyder's Drug Stores, Inc.*, 414 U.S. 156, 38 L. Ed. 2d 379, 94 S. Ct. 407 (1973).

Further, as no federal issue was presented by the proceedings below, the Supreme Court has no jurisdiction to review upon petitioner's request for certiorari, decisions that were purely based upon state law. *M'Bride v. Lessee of Hoey*, 36 U.S. 167, 11 Pet. 167, 9 L. Ed. 673 (1837); *Congdon v. Goodman*, 67 U.S. 574, 2 Black 574, 17 L. Ed. 257 (1862); *Palmer v. Marston*, 81 U.S. 10, 14 Wall. 10, 20 L. Ed. 826 (1872); *Sevier v. Haskell*, 81 U.S. 12, 14 Wall. 12, 20 L. Ed. 827 (1872); *De Saussure v. Gaillard*, 127 U.S. 216, 32 L. Ed. 125, 8 S. Ct. 1053 (1888); *Quimby v. Boyd*, 128 U.S. 488, 32 L. Ed. 502, 9 S. Ct. 147 (1888); *Avery v. Popper*, 179 U.S. 305, 45 L. Ed. 203, 21 S. Ct. 94 (1900); *Smalley v. Laugenour*, 196 U.S. 93, 49 L. Ed. 400, 25 S. Ct. 216 (1905); *Allen v. Alleghany, Co.*, 196 U.S. 458, 49 L. Ed. 551, 25 S. Ct. 311 (1905); *Elder v. Colorado*, 204 U.S. 85, 51 L. Ed. 381, 27 S. Ct. 223 (1907); *Sylvester v. Washington*, 215 U.S. 80, 54 L. Ed. 101, 30 S. Ct. 25 (1909); *Lem Woon v. Oregon*, 229 U.S. 586, 57 L. Ed. 1340, 33 S. Ct. 783 (1913); *John v. Paullin*, 231 U.S. 583, 58 L. Ed. 381, 34 S. Ct. 178 (1913); *Neblett v. Carpenter*, 305 U.S. 297, 83 L. Ed. 182, 59 S. Ct. 170 (1938), *reh den*, 305 U.S. 675, 83 L. Ed. 437, 59 S. Ct. 355 (1939); *Alton R. Co. v. Illinois Commerce Com.*, 305 U.S. 548, 83 L. Ed. 344, 59 S. Ct. 340 (1939); *Herb v. Pitcairn*, 324 U.S. 117, 89 L. Ed. 789, 65 S. Ct. 459 (1945) (ovrld in part by *Michigan v. Long*, 463 U.S. 1032, 77 L. Ed. 2d 1201, 103 S. Ct. 3469 (1983)).

As well, the Supreme Court's appellate jurisdiction implies some judicial determination, some judgment, decree, or order of an inferior tribunal, from which appeal has been taken. *Baltimore & O. R. Co. v. Interstate Commerce Com.*, 215 U.S. 216, 54 L. Ed. 164, 30 S. Ct. 86 (1909). Unless a "case" or "controversy" is presented for decision, the Supreme Court of the United States is without power to review a decree of a state court. *Nashville, C. & S. L. Ry. v. Wallace*, 288 U.S. 249, 77 L. Ed. 730, 53 S. Ct. 345 (1933). As the petitioner was in default of his answer to The Trust's state court foreclosure complaint, there was not even a judicial determination for petitioner to appeal. New York Court of Appeals decision, No. 206, dated April 5, 2005.

Manifestly, a completed state court foreclosure action such as occurred herein simply presents no 14th Amendment issue, and nothing that can possibly invoke 28 U.S.C. § 1257 as a basis for certiorari review. *See Crutchfield v. Countrywide Home Loans & Mortg. Elec. Registration Sys.*, 389 F.3d 1144 (10th Cir. 2004).

In sum, there is simply no judicial determination for this Court to review upon certiorari let alone one which involves a basis cognizable under the 14th Amendment or 28 U.S.C. § 1257(a).

III. Petitioner fails to show any grounds why this Court should disturb the order of the New York Court of Appeals

The New York Court of Appeals dismissed petitioner's motion for leave to appeal, insofar as it sought leave to appeal from that portion of the Appellate Division order that dismissed the appeal from the judgment of foreclosure and sale, upon the ground that the New York Court of Appeals does not have jurisdiction to entertain the motion from the Appellate Division order dismissing the appeal to that court from a determination

entered on default, citing to the New York Civil Practice Law and Rules ("CPLR"), Section 5511. The CPLR § 5511 provides in pertinent part as follows: "An aggrieved party or a person substituted for him may appeal from any appealable judgment or order except one entered upon the default of the aggrieved party". McKinney's CPLR § 5511 (2005). Here, there is no dispute that, as the Court of Appeals noted, the judgment of foreclosure and sale was entered after the default in appearance of petitioner in the foreclosure action. Therefore, the New York Court of Appeals was entirely correct in dismissing petitioner's motion for leave to appeal to it, on that ground. Additionally, the Court of Appeals otherwise dismissed petitioner's motion upon the ground that the remaining portion of the Appellate Division order does not finally determine the action within the meaning of the New York State Constitution. Petitioner completely fails to show anything to the contrary. Petitioner fails to show any reason, legal or otherwise, why this Court should disturb the decision of the New York Court of Appeals.

IV. Petitioner fails to provide any of the essentials required by this Court's Rules

Petitioner failed to comply with Rule 14.4 of this Court which requires him to present with accuracy, brevity, and clarity whatever is essential to ready and adequate understanding of the points requiring consideration. Instead, petitioner submits a rambling, disjointed discourse containing irrelevant references to matters completely outside the ambit of the underlying foreclosure action and judgment of foreclosure and sale which petitioner apparently attempts to set aside[7]. Petitioner submits

7. In his Petition petitioner baldly claims that The Trust allegedly "caused" petitioner "the wrongful loss of Medical Healthcare Market . . ." (Petition p. 8). Needless to say, such claim is completely belied by the facts. However, what petitioner conveniently leaves out is that his license to practice medicine in New York was revoked by a Hearing Committee of the New York Bureau of Professional Medical Conduct (Cont'd)

senseless conclusions, without providing the facts, if any, which underlie a cognizable claim. Tellingly, petitioner's purported "Statement Of Case" is void of any relevant, sensible factual predicate, it only contains bald assertions, irrelevancies and purported conclusions of law. Pursuant to Rule 14.4 petitioner's failure to comply with the Rule is sufficient reason for the Court to deny his Petition.

CONCLUSION

For the reasons set forth above, the petition for writ of certiorari should be denied.

Respectfully submitted,

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Attorneys for Wells Fargo Bank, N.A., successor by merger to Wells Fargo Bank Minnesota, N.A., f/k/a Norwest Bank Minnesota, N.A., as Trustee under the Pooling and Servicing Agreement, dated as of September 29, 1998, Delta Funding Home Equity Loan Trust 1998-3; successor in interest to Bankers Trust Company of California, N.A. as Trustee under the Pooling and Servicing Agreement, dated as of September 29, 1998, Delta Funding Home Equity Loan Trust 1998-3, c/o Delta Funding Corporation, servicing agent

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(Cont'd)

and a civil penalty of $30,000.00 was imposed on petitioner, due to his misconduct. Indeed, petitioner sought review of the Hearing Committee's determination before the New York State Supreme Court, Appellate Division: Third Department, which confirmed the determination. *In re Sawangkao v. New York St Bd Prfl Med Con*, 12 A.D.3d 735, 783 N.Y.S.2d 716 (3d Dept. 2004).

Supreme Court, U.S.
FILED
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OFFICE OF THE CLERK

No. 05-251

In The

Supreme Court of the United States

CHAGGRIT SAWANGKAO, M.D.,

Petitioner,

v.

BANKERS TRUST COMPANY OF CALIFORNIA, N.A.
c/o DELTA FUNDING CORPORATION, servicing agent, et al.,

Respondents.

On Petition for a Writ of Certiorari to the State of New York Court of Appeals

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REPLY TO BRIEF IN OPPOSITION

Chaggrit Sawangkao, M.D.
Pro se
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INTRODUCTION

United States Supreme Court Review.
Section 10.2 : The Supreme Court's Authority to Review State Court Judgments and Proceedings.

Section 25 of the 1789 Judiciary Act provided for Supreme Court Review of the State Court judgments, proceeding decisions by a writ of error to the state highest court in several specific situations. Also, Section 25 provided the United States Supreme Court for review where the highest state court ruled in favor of a state authority or state statue, when there was a challenge based on federal law.
Supreme Court of the United States was authorized by the Constitution and by the Congress of the United States to review the state courts decisions, based on a recognition that state interests, prejudices or jealousies might obstruct or control the regular administration of justice. Supreme Court review is essential to ensure uniformity in the interpretation of federal law. The very nature of the Constitution and many years of experience, all established the Supreme Court's authority to review state courts decision.

In 1914, the Supreme Court was given authority by the Congress of the United States for the first time to review state court decisions, invalidating a state statue, also was discretionary with the court and was by writ of certiorari. In 1925 Judges Bill Act was adopted, made most of the Court's jurisdiction pursuant to certiorari.

In 1988, A law enacted to eliminate appeals. Almost all cases from Court of Appeals or state highest courts come to Supreme Court by the discretionary Writ of Certiorari.

Lists of Parties and Respondents involved in this Action.

Delta Funding Corporation and associate companies.
Partners:
Bankers Trust Company of California, N.A. and Its successor company, Wells Fargo Bank, N.A. and Its associate companies.
Address: 1000 Woodbury Road,
Woodbury, New York 11797

The Kingsland Funding Corporation and Its associates.
Address: 201 East 67th Street, 3rd Floor
New York, N.Y. 10022

NYC Rehab. Corp.
Steven Sfera
Address: 60-93 Myrtle Avenue
Ridgewood, N.Y. 11385

These are the correct names for the parties in interest in the underlying New York State Court foreclosure action. There is no mistake. Even though Bankers Trust Company of California, N.A. is trying to elude itself, its successors and associates are the responsible parties in this action together with Delta Funding Corporation.

Supreme Court of the United States has the absolute authority to review and invalidate the New York State Constitution, State Laws, including the Decisions, Orders and Judgments of the State Supreme Court, the Appellate Division and New York Court of Appeals. The Authority was given by The United States Constitution and The Congress of The United States.

The New York Court of Appeals' decision and the Appellate Division order was erroneous, based on a recognition that state interests, prejudices, bias had obstructed, controlled the regular administration of justice. Supreme Court of the United States review is essential to ensure uniformity in the interpretation of federal law.

Respondents' Brief in Opposition to the Petition for Writ of Certiorari demonstrates why the Petition should be granted, because it accurately identifies the crucial issues and illustrates that, all of the Respondents' Statement of the Case and Reasons for Denying the Petition came entirely from the contexts of Judgment of Foreclosure and Sale, New York State Supreme Court, County of Queens, December 23, 1999, Index No. 5239/99 and nothing is new. Also Order of Supreme Court of the State of New York, County of Queens, Index No. 5239/99, March 31, 2004 and Decision of State of New York Court of Appeals, April 5, 2005 are all included in the Petition for Writ of Certiorari which appeared in Appendices A, B and D. This case is clearly not frivolous and Petitioner does not fail any points of issues raised in Respondents' reasons for denying the Petition. The Brief in Opposition indicated that the Respondents ignored the information and explanation completely in the Statement of Case in the Petition and Exhibits of Evidences B, C, E, G and H in Appendix F which clearly explained the causes of this Action of Petition, and the establishment of the business connection between the Kingsland Funding Corporation and Delta Funding Corporation. Reasons for denying and Respondents' cited authorities are not relevant entirely in the subject matter of this case, because this case of the Petition is unique and unprecedented. The factual statement and exhibits of evidences tell the story which demonstrate and confirm that Petition for Writ of Certiorari should be granted by this Court. Further more, the statement of Respondents in the footnotes about Petitioner's medical license revocation is only the pretext to cover up and elude the wrongful acts, the malpractice and the violation of the Federal Laws that the Respondents committed. It is only to help support this Petition that long after the irreparable damages to Petitioner, several years as the direct result from the respondents' acts against Petitioner's livelihood, medical practice, healthcare market of business enterprise of establishment over two decades.

The loss of full ability to continue working efficiently as described in the Petition, had caused unawareness of the corrupted authority and abusive state investigator who produced the false evidences together with collaborators, the loan sharking woman who was also the robber of the community church parishioners and the mentally, emotionally disturbed accuser, son of the patient, who lied, without any appreciation that Petitioner had saved his mother's life in the urgent, serious medical illnesses, in revengeful act against Petitioner, denied the payment for medical and procedural services fee, who intended to let his elderly mother die sooner for his own personal interest. With the false assumption made on the corrupted, false evidences produced by the state investigator, who intimidated witnesses and attorneys, the state medical board had made the wrong, erroneous decision and order, based on bias, prejudice and jealousy against Petitioner. The state's records had shown that Petitioner had never submitted any single medical service bill to collect any state Medicaid fund for 30 years of practice. Petitioner provided free medical healthcare to poor patients in the amount of several million dollars in the past three decades, in order to save, preserve the federal and state funds. Petitioner had saved thousands of lives of the citizens of the state and of the United States without the loss of a single life in medical office practice, never had a single complaint from the public of any wrong doing or any professional misconduct. Petitioner's success in private medical practices clearly had caused the state's jealousy, bias, prejudice, against Petitioner. State's interest to protect the action of the officers had caused the obstruction of the regularity of the administration of justice.

While the case was still being appealed to the higher authority, it did not justify the break in of Petitioner's home office and business enterprise, even before the illegitimate,

fraudulent deed was presented to Petitioner, and took away the property, the only primary home and the lifetime saving. This total destruction to Petitioner's livelihood was authorized by the respondents. It is clearly in violation of the Equal Protection standard in accordance to the Constitution of the United States, Amendment XIV. Supreme Court review is essential to ensure uniformity in the interpretation of federal law. Therefore, Petition for Writ of Certiorari should be granted.

REASONS FOR GRANTING THE PETITION

1. The Distribution and Exercise of the Rights to the Equal Protection of Citizens of Illiteracy in Real Estate Knowledge is an Important Question of Federal Law.

Petitioner asks this Court to directly address the application of the Equal Protection to the citizens of their Rights, when a state denies certain citizens the right to hold and save their home, while allowing other fraudulent companies to exercise that right, who are in business of violation to the Federal Laws. It is the national importance of having The United states Supreme Court decide the questions involved as for the safety and privilege of the elderly citizens of illiteracy in real estate knowledge to be protected, according to the Constitution of the United States Amendment 14.

2. Mortgage on the Face that the Respondents created for the Poor Home Owner is in Violation of the Federal Law. Million citizens' Mental Health is being affected as being the Victims.

Million citizens of illiterate knowledge in real estate nation wide, who are victims of the Respondents, are suffering from mental health problems, psychological trauma, mental distress, mental depression, delusional psychosis, and other anxiety conditions that prevent them to perform their

normal functions of working and living. Senior citizens who lose their homes, as the results of the Respondents' Mortgage on the Face, created fraudulently in order to foreclose the properties when the victims default on payments, had mortgages paid off completely and that attracted the Respondents.

3. Respondents' Exertion of Influence over the State Court is Prominent. All Auctions of Foreclosure and Sales with Transactions are conducted in the States Court Room.

The conduction of business of corporate greed began from the first Originator Mortgage, created fraudulently by the Kingsland Funding Corporation for the victim, then one year later transferred to the Covered Mortgage created by Delta Funding Corporation by the same team of settlement transactions company who work for both Kingsland Funding Corporation and Delta funding Corporation with their closed business connection. No one including petitioner, who was the rightful and legal owner could take the property back by taking the honest mortgage, who was also intimidated by Delta Funding Corporation, as described in Petitioner's statement of the case. Only by the process of the auction of foreclosure sale, to complete their eluded, fraudulent foreclosure market and no traces of the legal original owner would ever be found. Delta Funding Corporation was certainly confident that the state interest would pay off of the protection in its favor, in the control of the court's irregularity administration of justice. This clear evidence indicated that for petitioner to answer foreclosure action on March 1999 and on December 23, 1999 would certainly have no different outcome than the property being taken away fraudulently and the final total destruction of Petitioner's livelihood, committed by the Respondents.

Petitioner had brought the civil action to the United States District Court, Southern District of N.Y. on May 7, 2004 to explore the Appeals and Petition processes and was dismissed on ground that confirmed the right path justice.

4. Petitioner was the Real Intending Target Victim Of the Fraudulent Foreclosure Real Estate Market of the Respondents, as other Victims appeared in The New York Times Report.

THE NEW YORK TIMES

Vol. CXLVIII. No. 51,406
NEW YORK, MONDAY, January 18, 1999

SUITS SAY UNSCRUPULOUS LENDING
IS TAKING HOMES FROM THE POOR
Borrower Beware: A Special Report.
By: Randy Kennedy

By all appearance, the loan agreement GLORIA KNIGHT signed in 1995 was a classic transaction between savvy mortgage salesmen and an unsophisticated borrower in a poor Brooklyn neighborhood.

Ms. Knight, a retired teacher, says the salesmen who knocked on her door persuaded her to put her house up as collateral for an $ 88,000. loan, at 13% interest- even though she had no income and no way to make the $ 973 monthly payments. She defaulted on her loan, leading to eviction notices. Delta Funding Corp.'s partner in trying to take Ms. Knight's home is the Bankers Trust Company of California.

High-interest lending in poor neighborhoods has long produced high profits for lenders and, often, equally high burdens for homeowners.

A high percentage of the homeowners can't afford Delta's mortgage. They were duped into taking the loans and now may lose their homes as Delta and Bankers Trust try to reclaim the money for their investors. The companies have generated more complaints of abusive lending than

any other high-interest lender in New York City. Delta has taken advantage of scores of homeowners and violated Federal and State Laws.

Ms. Knight, 55 yrs. Old, who had since been found to be delusional by a psychiatrist for the city's Protective Services for Adults, cannot even afford electricity. She had something that made her attractive to lenders like Delta: her row house in East New York, which was fully paid for and which served as security.

Chief Judge Charles P. Sifton of Federal Court for Eastern District of New York, a month earlier, stopped the Foreclosure sales of homes of three people who defaulted on Delta loan, because the mortgages "on their face" violated Federal Law, and among other laws, a Federal prohibition on making loans based solely on equity in a house and not on a homeowner's ability to repay.

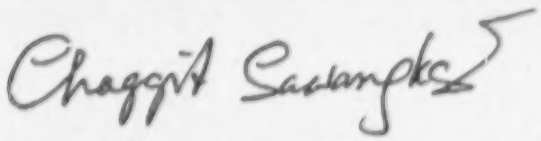
5. Respondents' creation of Title of Foreclosure Action Using Faked, Fraudulent Names as Partners, and Co-Owners of Petitioner's Property in order to elude the Public and Regularity of Legal Process of Law, in the Sophisticated Scheme of Fraudulent Corporate Business in Violation of Federal Law.

There were no one and no such names as Amyra Singh, no Pupo Singh, no Mario Lenadez and City of New York Parking Violation Bureau, ever were co-owners or partners in Ownership of Petitioner's property at 802 Seneca avenue at any period of time in the past 30 years. The Respondents put these fake names in the Title for the purpose of eluding and fooling the public of complication. Petitioner has been a single sole owner of the property for 30 years without interruption as a primary resident at 802 Seneca Avenue property. The sophisticated scheme of the fraudulent foreclosure market and the corporate business practice had prevented any banks or any one to take over or even the rightful, legitimate owner to recover the property. Only through the auction sale in the state court room that their connection of the fraudulent business could take over property and cover up the traces of evidence of the real, original rightful owner.

CONCLUSION

For the Petitioner's factual Statement of the Case with clearly explicit information and explanation, including all legitimate exhibits relevant to the case in this Petition, and the reasons set forth above, the Court should grant this Petition for Writ of Certiorari.

Respectfully submitted,



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